



Exporting exploitation

How retired EU fishing vessels are devastating West African fish stocks and undermining the rights of local people

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Summary

One of the biggest threats to the world's oceans is overfishing, which in turn is strongly linked to excess fishing capacity. Within the European Union (EU), some measures have been taken to try to reduce capacity, but without much success. According to the European Commission, the EU fishing fleet remains capable of catching two to three times as much fish each year as would be sustainable in many of its fisheries. This excess fishing capacity and the depleted status of many European fish stocks have driven EU fishing vessels to seek out deeper and more distant waters, shifting the overfishing problem into other fishing grounds. At the heart of the EU's failure to stop overfishing has been a reluctance or inability to decommission surplus fishing capacity within its domestic fleets. In fact, many vessels have been built and modernised with public subsidies, despite the fact that the EU fleet has been oversized for decades.

Sweden has operated a system of individual transferable quotas (ITQs) for its pelagic fleet since 2009, to reduce its fishing capacity by allowing fishermen to sell out and retire from unprofitable fishing operations. Since the introduction of the system the number of vessels and the capacity of the fleet (measured in both total engine power and gross tonnage) has decreased. However, many of the vessels that have left the fleet were not actually decommissioned, but were sold and moved to other countries and other fisheries, including the waters of occupied Western Sahara.

Greenpeace can demonstrate that of the 39 ships that have left the Swedish fishing fleet since 2009 around half are still fishing. Since the individual quotas were introduced a total of eight modern vessels have been transferred from the Swedish pelagic fleet and are now fishing off the coast of occupied Western Sahara, while still receiving assistance from, and being partly crewed by, Swedish fishermen. This export of overcapacity has had significant negative socio-economic and environmental consequences for the region.

This report will show that Swedish fishermen are profiting by exploiting the resources in the occupied territory of Western Sahara, by shifting their businesses from Sweden to Africa, despite the fact that the Swedish government is opposing any EU fishing

off the coast of Western Sahara because of concern that it infringes the rights and interests of local communities.

In fact, fishing by Moroccan and any foreign vessels in Western Saharan waters takes place despite protests by the Polisario Front, recognised by the United Nations since 1979 as the legitimate representative of the people of Western Sahara.

Western Sahara has been occupied by Morocco since 1975. The UN has recognised it as a non-self-governing territory, a status that has also been accepted by the EU. Neither the UN nor the EU has recognised the territorial claims of Morocco over Western Sahara. Nonetheless, since 1995, the EU has entered into consecutive, controversial agreements with the Moroccan government to gain access to fishing grounds off the coast of Morocco and Western Sahara. The most recent agreement came into force in 2007 and was renewed in 2011 until 2015. However, the accompanying legal protocol that grants vessels access expired early in 2011 and the European Parliament vetoed a proposed extension later that year, on the grounds that it contributed to overfishing and was in conflict with the rights and interests of the Sahrawi people. Since then, no EU-registered vessel has been allowed to fish in the waters of Morocco and Western Sahara. A new protocol with Morocco was negotiated and signed by the European Commission in July 2013 and endorsed by the Council in November 2013. It still requires approval by the European Parliament, which is scheduled to vote in December 2013. If approved, the new protocol will allow 126 EU fishing vessels in Moroccan waters for a period of four years.

EU fishing, including by the vessels that have been transferred from Sweden to Morocco, not only undermines the interests of local people. It is, furthermore, contributing to overfishing in the wider West African region. Most fish stocks off the coast of Morocco and Western Sahara are considered fully exploited or overexploited, as a result of years of intense fishing by local, EU and other foreign fishing fleets. This is particularly worrying in light of the fact that these waters represent the core range of most of the species concerned.

During past and recent negotiations between the EU and Morocco, Sweden's

government registered its objection to EU fishing in the waters of Western Sahara, on the basis that it considered such exploitation in violation of the rights and interests of the Sahrawi people. However, this has not stopped Swedish fishermen from exporting their excess fishing capacity to Morocco and assisting the expansion of Moroccan fishing for small pelagic species in Western Saharan waters by means of the transfer of technology and know-how. The current closure of Moroccan and Western Saharan waters to EU vessels does not apply to those vessels exported from Sweden, which continue to fish in the waters of Western Sahara with the support of EU fishing companies.

The political context in the EU has recently changed, with the adoption of a new Common Fisheries Policy (CFP). It will require EU countries to put in place action plans to shrink their fishing capacity to sustainable levels. However, without a requirement to scrap or permanently retire fishing vessels, this decommissioned excess fishing capacity may end up adding to the overfishing crisis in other waters around the world. Moving fishing overcapacity from one overexploited stock to another is no solution.

Greenpeace therefore demands that EU Member States:

- remove excess fishing capacity by scrapping or converting to non-fishing purposes those vessels that have the biggest impact in terms of overfishing and the destruction of marine habitats;
- allocate access to fishing opportunities in a way that rewards fishermen who minimise the environmental impacts of fishing and that maximises the socio-economic benefits for local communities; and
- prevent the transfer of excess fishing capacity to other regions.

Greenpeace further demands that the EU stop exploiting the fishing grounds off the coast of Western Sahara and Morocco, unless and until it can ensure that fish stocks are managed in a sustainable manner and that the fishery takes into account the wishes and benefits of the people of the territory.



Contents

1. Introduction	6
2. EU overcapacity	8
3. Sweden's overcapacity problem	10
4. A case of exporting fishing capacity	14
5. Exploiting the waters of Western Sahara	16
6. Draining the sea of fish	18
7. The hypocrisy of Swedish fishing in Western Saharan waters	20
8. Morocco's expansion into Western Sahara fisheries	22
9. Feeding Europe with controversial fish	24
10. Non-stop Fiskebäck to Dakhla	26
11. Slipping through the net	28
12. Looking ahead	30

Left: Adrar was exported from Norway to a Moroccan company operating in Western Saharan waters early in 2013. Before the export the fishing vessel was refurbished in Fiskebäck on the Swedish west coast. In the picture Adrar is discarding 60 tonnes of sardines outside Dakhla. According to the watchdog NGO Western Sahara Resource Watch a total of 1000 tonnes of fish is said to have been discarded by Adrar alone during 2013. Photo: WSRW

1

Introduction



¹ Commission working document, *Reflections on further reform of the Common Fisheries Policy*, 2008

² FAO, *The state of world fisheries and aquaculture*, 2012

Overfishing in the world's oceans is strongly linked to excess capacity in national fishing fleets. There are simply too many large and destructive fishing vessels and too great a fishing capability, in relation to the level of catch that is sustainable over time. Low profit margins as a result of intense competition in turn increase the economic incentives to engage in illegal fishing as a way to provide a better return on investment. This means that a fleet that is operating at excess capacity is often also a driver for illegal and unregulated fishing.

Although the number of vessels in the European Union (EU) has decreased during the past decade, according to the European Commission, its actual fishing capacity has increased by around three per cent a year, due to technological developments (e.g. improved sonar technology) that increase vessels' ability to detect and catch fish. The European Commission estimates that parts of the EU fishing fleet have the capacity to catch two to three times as much fish as is sustainable.¹

As a result of the depletion of fish stocks and the unsustainable and unprofitable nature of fishing in European waters, more EU fishing vessels have moved to distant fishing grounds. This transfer of excess fishing capacity has further aggravated a global overfishing crisis.

In 2012, the UN's Food and Agriculture Organization (FAO) reported that, around 30 per cent of global fish stocks were overexploited, a slight decrease from the previous two years, while around 57 per cent were fully exploited, i.e. at or very close to their maximum sustainable exploitation. Only around 13 per cent were exploited below the threshold that defines unsustainable fishing.²

“The declining global marine catch over the last few years together with the increased percentage of overexploited fish stocks and the decreased proportion of non-fully exploited species around the world convey the strong message that the state of world marine fisheries is worsening and has had a negative impact on fishery production.” FAO in The State of World Fisheries and Aquaculture, 2012

2

EU overcapacity



“The UN’s Food and Agriculture Organisation (FAO) estimates that over 87 percent of all fish stocks in the world’s oceans are either fully exploited, overexploited or depleted.”

² EU overcapacity

³ European Commission concerning a consultation on fishing opportunities for 2014: **In the Atlantic about 39 percent of the assessed stocks are classified as overfished and in the Mediterranean 75 percent of stocks are subject to overfishing, according to the most recent communication from the European Commission.**

⁴ Council Regulation (EC) No 744/2008 of 24 July 2008 instituting a temporary specific action aiming to promote the restructuring of the European Community fishing fleets affected by the economic crisis

⁵ Studies in the Field of the Common Fisheries Policy and Maritime Affairs Lot

⁶ European Commission's internal assessment of the CFP

⁷ Swedish government memorandum of facts, 2012-01-20. Faktapromemoria 2011/12:FPM93

⁸ UN General Assembly: Resolutions and Decisions Adopted by the General Assembly During Its 64th session, Volume 1, 15 Sept – 24 Dec 2009

⁹ FAO: **INTERNATIONAL PLAN OF ACTION FOR THE MANAGEMENT OF FISHING CAPACITY (1999)**

The majority of European fish stocks are being fished unsustainably,³ and in most or all of these cases fleet overcapacity, coupled with excessive quotas, has been a principal driver. Yet, despite widespread acknowledgement that overall reductions in fleet capacity of at least 30 to 40 per cent are needed, governments are quick to point the finger elsewhere.

Since the 1990s, the EU has spent nearly €2.8 billion (SEK 25 billion) on various campaigns to scrap fishing vessels.⁷ During the same period, however, governments have subsidised boat building and the modernisation of EU fishing fleets.

The UN's Food and Agriculture Organisation (FAO) estimates that over 87 percent of all fish stocks in the world's oceans are either fully exploited, overexploited or depleted.

In 2011, the UN General Assembly (UNGA) called on states "to commit themselves to urgently reducing

the capacity of the world's fishing fleets to levels commensurate with the sustainability of fish stocks, through the establishment of target levels and plans or other appropriate mechanisms for ongoing capacity assessment." It also urged countries to avoid "the transfer of fishing capacity to other fisheries or areas in a manner that undermines the sustainable management of fish stocks" and to recognise "the legitimate rights of developing States to develop their fisheries for straddling and highly migratory fish stocks."⁸

While this call conveys a considerable sense of urgency, the reality is that EU-countries have already missed agreed deadlines for capacity reductions. As long ago as 1999, the EU committed to an International Plan of Action for the management of fishing capacity in the context of the FAO, with the goal "to achieve world-wide preferably by 2003, but not later than 2005, an efficient, equitable and transparent management of fishing capacity"⁹.

A number of recent documents provide estimates of the scale of overcapacity in the EU fleet:

• In 2008, in response to a peak in fuel costs, the Council of the EU adopted a temporary aid package aimed at recovering the long-term viability of the fisheries sector, which acknowledged the need to reduce capacity by at least 30 per cent (expressed in gross tonnage and total engine power) in fuel-intensive fisheries.⁴

• In 2010, experts recommended to the European Commission that the EU should aim to reduce its fishing capacity by 30 per cent from 2007 levels in the

short term (by 2017 at the latest) and by 40 per cent by 2022, to compensate for technological improvement.⁵

• The Commission's own internal assessment states that during the past 16 years the capacity of the nominal Community fishing fleet has been decreasing at an average yearly rate of barely 2%, while technological advances increase the capability of the fleet to catch fish at a rate of around 3%, cancelling out any nominal reductions. It also warns that "the industry has low resilience to external economic pressure because of overcapacity and because the resource base has been eroded by decades of overfishing."⁶

3

Sweden's overcapacity problem



Meya, here in the Western Saharan port of Dahkla, is one of the trawlers with so called Refrigerated Sea Water technology to store their catch active in Western Saharan waters. She is owned by a Moroccan company, but operated and manned by Swemar, a Swedish company based in Fiskebäck on the Swedish west coast.

3 Sweden's overcapacity problem

¹⁰ Ingerup Marie, Swedish Agency for Marine and Water Management. Personal communication with Lena Frändberg, March 2013.

¹¹ Swedish government: Överlåtbara fiskerättigheter, Regeringens proposition 2008/09:169

¹² Swedish Agency for Marine and Water Management, personal communication with the Fleet registry by Lena Frändberg (March 2013).

By the late 1990s, Swedish fishing authorities acknowledged a substantial overcapacity in the Swedish pelagic fishing fleet. The Swedish pelagic fishery encompasses fishing for herring, sprat, mackerel, blue whiting and sand eel. It is characterised by large vessels and large catch volumes but low prices per kilo in comparison with other species such as cod or shrimp.

In the early 2000s, the Swedish fisheries sector assessed the overcapacity of the pelagic fleet to be as much as 50 per cent. Operating at excess capacity adversely affected the sector's profitability, increasing its eagerness to tackle the problem. Eventually, the industry agreed to the introduction of a system of individual fishing quotas¹⁰ - which was introduced in 2007/2008 and immediately led to an unofficial trade in quotas - followed by ITQs coming into legal effect in late 2009. A percentage share of the total Swedish pelagic fishing quota was distributed free of charge to each vessel owner as an individual fishing quota that could be sold on and bought off others. The size of the initial share was determined by how much the owner had previously caught during a given period, unfortunately rewarding those who had contributed most to the overfishing in the first place. The rules further

stipulated that a single owner could not buy more than ten per cent of the total national quota for any given species, and that the individual right to fish the quotas would be valid for ten years.¹¹

ITQs had already been adopted in a number of countries, both within and outside the EU, primarily to try to increase the profitability of fishing operations at the same time as reducing the capacity of fishing fleets. For instance, Iceland and New Zealand introduced ITQ systems in the 1970s and 1980s and Denmark in the 2000s.

The fishing capacity of the Swedish fleet had become concentrated in fewer vessels than during the early 2000s, even before the ITQ system was introduced. However, the fleet still had a registered gross tonnage of between 22,000 and 24,000. When the ITQ system came into force at the end of 2009, it resulted in an immediate cancellation of 20 vessels from the Swedish fleet register and a reduction of the gross tonnage to less than 20,000. By early 2012, the capacity in the pelagic fleet had declined to about 13,000 GT.¹²

But the vessels had not been scrapped, so where have they gone?

The intention of an ITQ system is that owners who cannot make a profit from the quota share that they have been allocated will sell their share and wind up their business.

In principle, this will lead to a progressive concentration of quota ownership in the hands of fewer owners and may lead to a corresponding reduction in the number of fishing vessels.

However, the approach has been widely criticised for its many weaknesses, including significant concerns that the effective privatisation of access to fishing opportunities undermines management of what is a public resource.

Moreover, while the application of ITQs may lead to a decrease in the number of fishing vessels and of overall nominal fishing capacity, it does not address the impact of different fishing methods, nor does it slow technological developments that increase fishing capacity. The application of ITQs often means that governments relinquish their role in determining who goes fishing and with what type of gear.

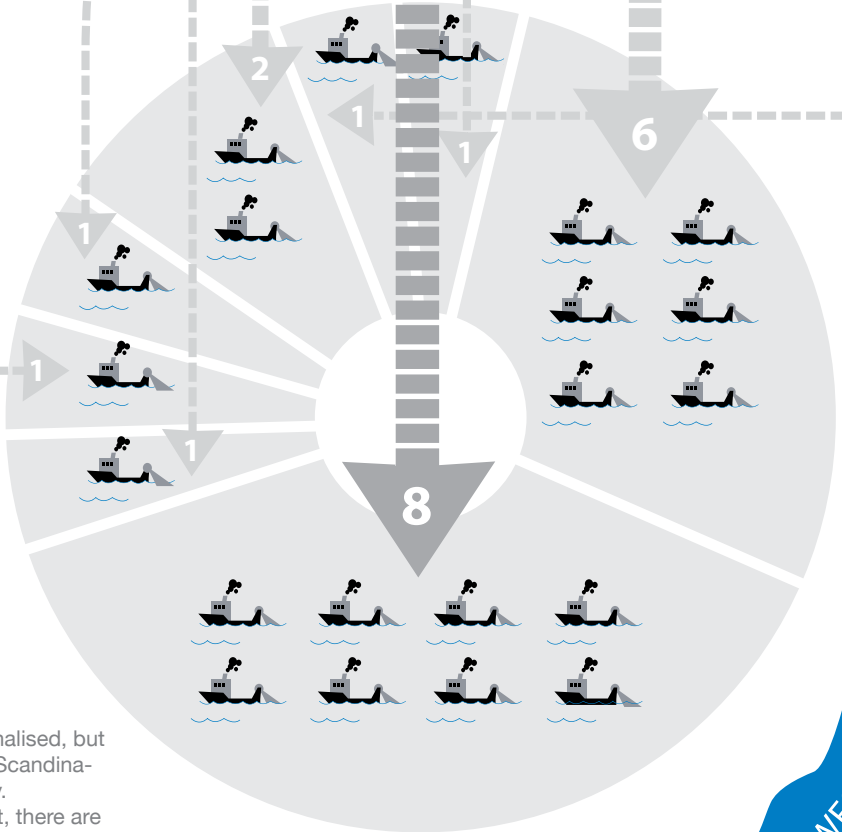
This means that important decisions to ensure that fishing brings the greatest cultural and social benefits while minimising environmental impacts are not taken.

Export of over capacity

NAME	IMPORTED FROM	NATIONALITY OF OWNER	FLAG
Allotf3	Sweden	Morocco	Morocco
Al Hamd	Sweden	Morocco	Morocco
Miftah	Sweden	Morocco	Morocco
Aldo	Sweden	Morocco	Belize/Morocco*
Sopelagic	Sweden	Morocco/WS	Morocco
Karelia	Sweden (Finland)	Morocco/WS	Morocco
Polar	Sweden	Morocco	Belize/Morocco*
Midsjö	Sweden (Russia)	Russia	Belize
Zander	Norway	Sweden	Belize
Meya	Norway	Morocco	Belize/Morocco*
Midoy Dakhla	Norway	Morocco/WS/Norway	Morocco
Vikingbank	Norway	Morocco	Morocco
Adrar	Norway	Morocco	Belize/Morocco*
Buland	Norway	Iceland	Belize
Aig	Denmark	Morocco/WS	Morocco
Al Wafae	Iceland	Morocco	Belize
Quant	Australia	Morocco/Russia	Morocco
Allotf1	Ireland	Morocco	Morocco
Mist	Ireland	Morocco	Morocco
Allotf2	United Kingdom	Morocco	Morocco
Azrou	Turkey	Morocco	Morocco

* 2013

ISLAND



AUSTRALIA

The table shows that the fleet has now been nationalised, but that it has been almost entirely imported from the Scandinavian countries, above all from Sweden and Norway. In addition to the vessels that form part of this fleet, there are a number of Russian vessels currently active in the area within the fisheries agreement that has recently been signed between Morocco and Russia.

WEST S



4

A case of exporting fishing capacity

¹³ Gréboval, Dominique F., *The international plan of action for the management of fishing capacity and selected issues pertaining to illegal, unreported and unregulated fishing*, FAO, 2000

¹⁴ Extracts from different shipping registers, Klubb Maritim Shipping Register; the Swedish Agency for Marine and Water Management; Lloyds List Intelligence; telephone conversations with individual owners of fishing vessels. (See list of websites in references)

¹⁵ Swedish Agency for Marine and Water Management, Fleet register March 2013.

¹⁶ Shipping register, Klubb Maritim Shipping register, the Swedish Agency for Marine and Water Management (See websites in references)

According to the FAO, a system of management of ownership rights such as ITQs can provide strong incentives for capacity reductions, but not for the scrapping of vessels. The FAO therefore recommends that states adopting this type of system also monitor the destinations of excess capacity.¹³ “The issue of vessel disposal also needs to be carefully reviewed and caution needs to be exercised by countries undertaking such schemes to avoid uncontrolled export of capacity to overcapitalised fisheries outside their jurisdiction.” (Dominique F. Gréboval, FAO, 2000)

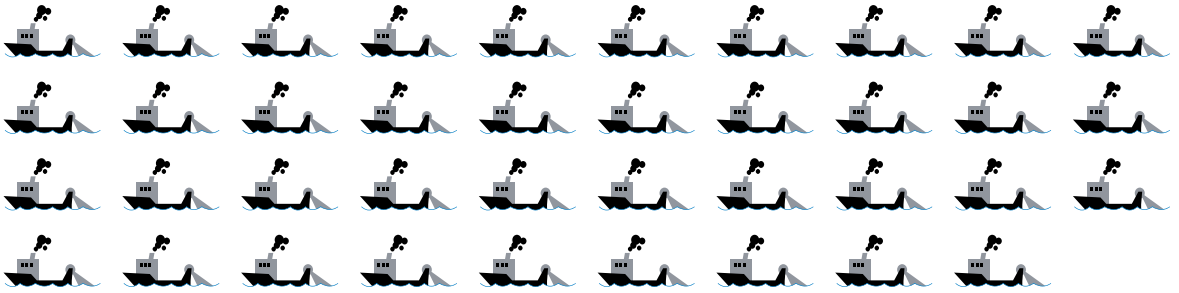
Greenpeace has traced the journey of the fishing vessels that have left the Swedish pelagic fleet since the introduction of ITQs in 2009.¹⁴ Between 2009 and February 2013, 39 fishing vessels left the pelagic fleet, according to the fleet register of Sweden’s

Agency for Marine and Water Management.¹⁵ Further vessels may have left the fleet since then.

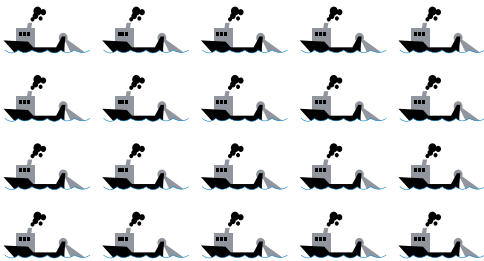
In the legislative proposal the Swedish government considered the risk of capacity transfers to other fishing grounds as a result of the ITQ system as small. However, our analysis shows that 21, or over half of the vessels that have left the pelagic fleet since the system came into effect, are still actively fishing. Seven are fishing within other fisheries in Sweden, nine fish under Norwegian, Danish or Finnish flags, and five are fishing off the coast of Western Sahara. In the period 2007-2009, before individual quotas became officially tradable, three vessels had already been exported to fish in West Saharan waters as result of unofficial trading of quotas, which means that altogether eight vessels have been exported from Sweden to Western Saharan waters.¹⁶

“The issue of vessel disposal also needs to be carefully reviewed and caution needs to be exercised by countries undertaking such schemes to avoid uncontrolled export of capacity to overcapitalised fisheries outside their jurisdiction.” Dominique F. Gréboval, FAO, 2000

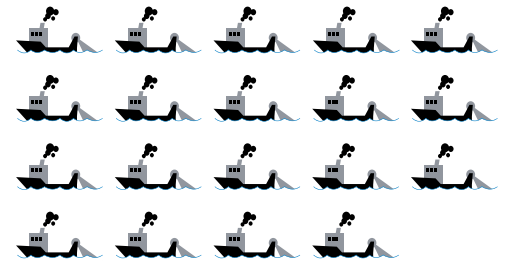
39 vessels left pelagic fishing 2009-2013



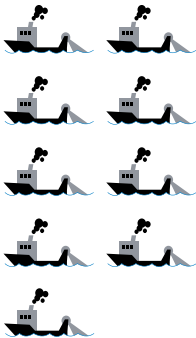
20 are still registered in Sweden



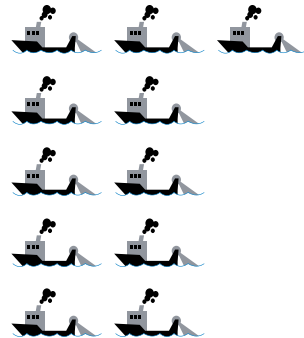
19 are no longer registered in Sweden



9 are now leisure vessels or charter vessels



11 are still registered as fishing vessels

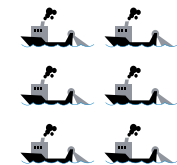


15 have been exported

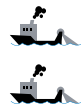


4 have been scrapped

6 are fishing actively, of which five as cod or shrimp trawlers



2 have found another use



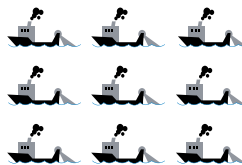
1 is unused



2 have actually been scrapped



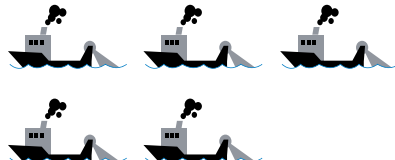
9 have been exported to other Scandinavian countries



1 has been reimported to Swedish fishing and fishes for cod



5 have been exported to fishing off Western Sahara



5

Exploiting the waters of Western Sahara

“Given the clarity of the applicable law, we cannot but express our dismay and serious concern at the on-going plunder by Moroccan-flagged vessels and foreign fishing interests of the Saharawi people’s offshore fisheries resources.” Polisario representative Ahmed Boukhari, in a letter to the UN Security Council.



Photo: Christian Åslund

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¹⁷ **Corell, Hans. Letter dated 29 January 2002 from the Under-Secretary-General for Legal Affairs, the Legal Counsel, addressed to the President of the Security Council. Under-Secretary-General for Legal Affairs The Legal Counsel**

¹⁸ **Fisera, Raphael. Ett folk kontra företag? Självbestämmande, naturresurser och transnationella företag i Västsahara, Globalt perspektiv nr 3-4, 2005**

¹⁹ **Permanent Representative of Namibia: Letter dated 9 April 2009 from the Permanent Representative of Namibia to the United Nations addressed to the Secretary-General, United Nations General Assembly Security Council, 2009**

²⁰ **Fishelsewhere.eu**

Western Sahara is located in North-West Africa, at the edge of the Sahara desert between Morocco and Mauritania, with a long Atlantic coastline. Most of the territory is desert or semi-desert, but the area and its territorial waters are rich in natural resources such as phosphates and fish.

Spain, as the colonial power, withdrew from Western Sahara in the mid-1970s as the territory was occupied by neighbouring Morocco and Mauritania. The majority of the Sahrawi people fled to Algeria, where they have since lived in refugee camps.

Mauritania withdrew in 1979, but Moroccan occupation continued. The Sahrawi liberation movement, the Polisario Front, fought Moroccan forces throughout the 1980s, until the United Nations brokered a peace deal in 1991. One of the conditions of the agreement was that there would be free elections on independence, but these have not yet taken place. More than three-quarters of Western Sahara's surface is currently under Moroccan occupation. Morocco now considers the occupied territory as its own, despite the fact that both the UN and the International Court of Justice in The Hague emphasise the Sahrawi people's right to self-determination.

According to Article 73 on the treatment of non-self-governing territories under the UN Charter, the interests and well-being of the inhabitants of the non-self-governing territory are of paramount importance. A statement ¹⁷ issued in 2002 on behalf of the UN by its Legal Counsel Hans Corell states that prior to the adoption of an agreement on the use of natural resources in Western Sahara, the Sahrawi people must be consulted, must have said yes to the agreement and must be allowed to share in the profits of any exploitation. Any failure to meet these criteria is in conflict with international law. The exploitation of resources in so-called non-

self-governing territories is only compatible with international law if "it is performed for the benefit of the peoples of those territories, on their behalf of or in consultation with their representatives". ¹⁸ And ".../ if further exploration and exploitation activities were to proceed in disregard of the interests and wishes of the people of Western Sahara, they would be in violation of the principles of international law/.../".

However, the Polisario Front, recognised by many countries and the UN as the legitimate representative of the Sahrawi people, has been consistently opposed to Moroccan exploitation of the natural resources of the occupied territory. In a letter to the UN Security Council, Polisario representative Ahmed Boukhari protested against various types of resource exploitation and wrote with regard to the exploitation of fisheries resources that:

"Given the clarity of the applicable law, we cannot but express our dismay and serious concern at the on-going plunder by Moroccan-flagged vessels and foreign fishing interests of the Saharawi people's offshore fisheries resources." ¹⁹

The Sahrawi people have tried in different ways to make their voices heard and to protest against the exploitation by Morocco and other countries of Western Saharan resources. Their protests also denounced the fact that they consider themselves marginalised in the labour market and thus unable to profit in any sense from those resources. For instance, in April 2012, a number of Sahrawi fishermen boarded the vessel *Meya*, manned and managed by Swemar, a Swedish company, in protest against the discrimination they face with regard to getting work on board fishing vessels. ²⁰ In November 2013, Saharawis took to the streets of El Aaiún in Western Sahara, protesting the fish plunder of the territory.

6

Draining the sea of fish

“This overexploitation presents a serious risk for the continuity of the fishery, not only by industrial trawlers, but also by the artisanal fleet. According to the results of the model, fishing mortality is now at three times the optimum level.” The FAO working group on the assessment of small pelagic fish off North-West Africa.



²¹ Anonymous source in Dakhla

²² Oceanic Development: Specific agreement No 26: Ex-post evaluation of the current protocol to the fisheries partnership agreement between the European Union and the kingdom of Morocco, impact study for a possible future protocol to the agreement, FPA 26/MAR /10, (2010)

²³ FAO: Fisheries and Aquaculture Report No. 1026 (2011), Report of the FAO Working Group on the Assessment of Small Pelagic Fish off Northwest Africa

²⁴ Oceanic Development: Specific agreement No 26: Ex-post evaluation of the current protocol to the fisheries partnership agreement between the European Union and the kingdom of Morocco, impact study for a possible future protocol to the agreement, FPA 26/MAR /10, (2010)

²⁵ FAO: Fisheries and Aquaculture Report No. 1026 (2011), Report of the FAO Working Group on the Assessment of Small Pelagic Fish off Northwest Africa

Historically, the waters off the coast of Western Sahara were among the world's richest fishing grounds. Cold, nutrient-rich water wells up from the deep and feeds a great abundance of animal and plant life.

In recent decades, however, fishermen began to notice that catches have been declining. The trawlers that fish for sardines and mackerel now have to search for longer before they find the fish. A halt in fishing for two months of the year has been proposed, but the owners of local processing factories are against this as they do not want to close their factories for a corresponding period. ²¹

According to the EU's own internal evaluation of fisheries in the Morocco and West Sahara, almost all the commercially relevant fish stocks are either fully exploited, overexploited or of unknown status. ²² In terms of stocks of small pelagic fish in the waters of Western Sahara, only sardines are thought not to be fully exploited, i.e. exploited at rates that are below the sustainability threshold. Mackerel and anchovy stocks are considered fully exploited, and horse mackerel and sardinella stocks are thought to be overexploited. ²³ In fact, the FAO warns that the regional sardinella stock, which is extremely important to local, artisanal fishermen across the

region, risks collapse if fishing pressure is not decreased drastically.

Although sardine stocks in Western Saharan waters are within sustainable limits, it is highly difficult to target sardines without catching other species, which means that any increase in the exploitation of sardines will invariably have a negative impact on species that have already been overfished. . In other words, catches of pelagic stocks should be reduced overall to allow overfished stocks to recover. ²⁴

Moreover, the precarious social and environmental situation in in the wider region is further aggravated by the impacts of climate change, which threatens food security, the marine ecology and survival of many species and dependent local communities. It also pushes more and more people into fishing, as agricultural land turns into desert and loses its fertility. The FAO working group on the assessment of small pelagic fish off North-West Africa concludes: ²⁵

“This overexploitation presents a serious risk for the continuity of the fishery, not only by industrial trawlers, but also by the artisanal fleet. According to the results of the model, fishing mortality is now at three times the optimum level.”

7

The hypocrisy of Swedish fishing in Western Saharan waters

²⁶ EU-Morocco Agreement

Timeline



2007	<ul style="list-style-type: none">• In 2007 and 2008, Aldo and Nordic IV were chartered from the company Atlas Pelagic.• Karelia sold on 15 February to Kari Anttoni Kiukkonen in Finland. Deregistered in Sweden 16 February
2008	<ul style="list-style-type: none">• Aldo sold to Moja Fishing Team Ltd, Belize. Deregistered in Sweden 29 December.
2009	<ul style="list-style-type: none">• Al Hamd sold to STE Pescaibu in Casablanca, Morocco, as "Bohuslän av Agadir". Deregistered in Sweden 11 March.• 24 August, Sopelagic sold to Sopelagic Ltd, Belize. Deregistered in Sweden 24 February 2010.• Midsjö exported to Russia. Deregistered in Sweden 20 October. Currently fishes in Western Sahara with Russian
2010	<ul style="list-style-type: none">• Allotf3 sold to Benis Peche SARL, Morocco. Deregistered in Sweden 29 November.• Miftah sold to S2H Pelagique S.A.R.L., Morocco. Deregistered in Sweden 30 December
2011	<ul style="list-style-type: none">• Karelia Karelia sold to Morocco and deregistered in Finland on 11 November.
2013	<ul style="list-style-type: none">• Polar sold to 2 KS Fishing SARL, Morocco, 16 January. Deregistered in Sweden 12 February.

The first fisheries agreement concluded between the EU and Morocco dates back to 1995. The most recent agreement entered into force in 2007, was extended in 2011 and is due to expire in 2015.²⁶ At the time of agreeing and subsequently extending the agreement, the Swedish government voted against the agreement, because of its reservations regarding the exploitation of fishing grounds off the coast of Western Sahara. However, it was unable to prevent the EU adopting and extending the agreement.

A protocol under the agreement defines the access rights for EU fishing vessels to local fishing grounds. The first protocol ran until February 2011 and provided financial payments worth € 36 million.

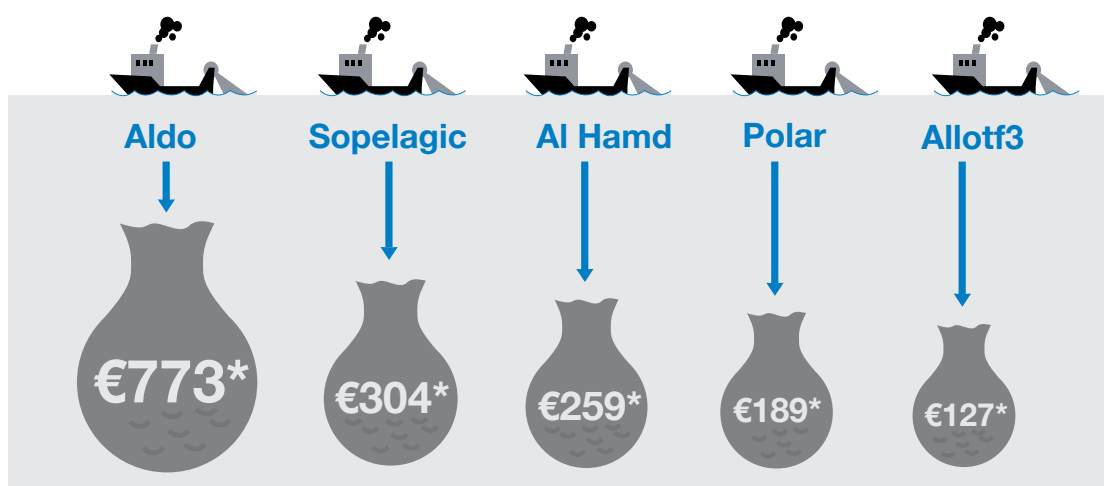
The protocol allowed a range of different fishing vessels from several EU countries to fish in

Moroccan and Western Saharan waters. At the same time, it prevented other vessel owners in the EU from making private arrangements outside the EU agreement. However, this did not cover fishing vessels that switched from an EU flag to a non-EU flag, such as Moroccan or Belize flags, and therefore did not prevent the export of surplus fishing capacity from the Swedish fleet to Morocco.

Despite the public opposition of Sweden's government to EU fishing off the coast of Western Sahara, Swedish vessels and Swedish fishermen have left to seek their fortune in the occupied territories of Western Sahara, as shown in the timeline above (note that the current names of the vessels are used).

²⁷ <http://fishsubsidy.org>

€ 1,652,000 in subsidies from the EU



Fishing capacity sponsored by the EU's taxpayers: Historical EU subsidy payments to five of the eight vessels that is now fishing in Western Saharan waters (in euros).

*** x1000 Euro**

Prior to leaving Sweden, the fishing vessels featured in the timeline received substantial levels of EU subsidy. The following illustration above identifies payments made between 1995 and 2005 adding up to at least €1,652,000 (SEK 12 million). The EU's taxpayers have therefore paid large sums for the upgrading of vessels which were subsequently exported in order to exploit fishing grounds in the waters of occupied Western Sahara. ²⁷

At the end of 2011, the European Parliament vetoed a temporary extension of the initial protocol under the fisheries agreement between the EU and Morocco, which defined the terms of access of EU fishing vessels. The Parliament criticised that EU vessels were allowed to fish in the waters of Western Sahara without any compensation for the people living in the occupied territory.

Since January 2012, following the veto of the Parliament, no EU flagged vessels were allowed to fish in Moroccan and Western Saharan waters. However, a replacement deal was negotiated and signed by the European Commission in July 2013 and endorsed by the Council in November 2013. It still requires approval by the European Parliament, which is scheduled to vote in December 2013. If approved, the new protocol will allow 126 EU fishing vessels in Moroccan waters for a period of four years.

The Swedish government once again rejected the new deal, putting concerns for international law and the rights of the Sahrawi people first. In fact, in the Swedish Parliament there is a broad political consensus in support of the Sahrawi right to self-determination and independence.

8

Morocco's expansion into Western Sahara fisheries



²⁸ Oceanic Development: Specific agreement No 26: Ex-post evaluation of the current protocol to the fisheries partnership agreement between the European Union and the kingdom of Morocco, impact study for a possible future protocol to the agreement, FPA 26/MAR /10, (2010)

²⁹ Register extract from the Shipping Register; Lloyds List Intelligence (See websites in references); two independent anonymous sources in Dakhla

³⁰ Western Sahara Resource Watch webarticle, [Russia-Morocco fisheries agreement signed yesterday, 15 February 2013](#).

³¹ [Vastsahara.net](#)

³² Kingdom of Morocco - Moroccan Investment Development Agency, [Invest in Morocco website](#).

³³ Kingdom of Morocco - Ministère de l'Agriculture et de la Pêche Maritime, *La mer en chiffres*, 2010

³⁴ Naji, M., Country report: Morocco, Seafood market studies for the introduction of new aquaculture products, *Cahiers Options Méditerranéennes* no. 59, 2002 p. 327-340

The Moroccans have built up a modern fisheries sector in Western Sahara, particularly after returns from their own waters started to decline. Both El Aaiún and Dakhla in Western Sahara are now major fishing ports equipped with big fish factories. The Moroccan authorities divide the country's Atlantic coast into four fishing zones: a northern zone and zones A, B and C, with zone C representing the waters of occupied Western Sahara. The largest fishing resources are the small pelagic species (sardine, mackerel etc.), and fishing in Western Saharan waters for these species constitutes the majority of Moroccan fishing activity.

In 2008, seven Moroccan and eleven chartered vessels capable of refrigerated seawater cooling (RSW) of the catch, formed the fishing fleet that fished in zone C. ²⁸ Among these were two Swedish-owned vessels. Today, the RSW fleet consists of 21 vessels, and only two of these are chartered. ²⁹ In other words, the fleet has been nationalised after having been imported from Scandinavian countries, above all from Sweden and Norway.

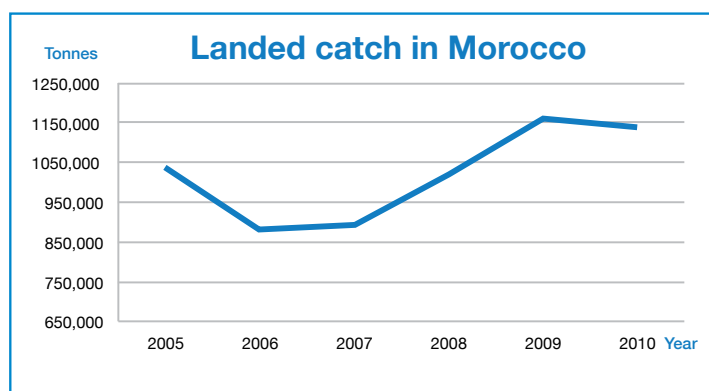
In addition to the Moroccan fleet, there are a number of Russian vessels currently active in the area on the basis of a four year fisheries agreement between Morocco and Russia that was renewed in December 2012 ³⁰. Pending agreement on the EU agreement, the EU fleet will add to a bigger fleet of foreign vessels in the region.

The significance of fishing in Western Sahara for Morocco's economy has grown for several reasons:³¹

- the development of the Moroccan fishing industry as a motor for income and employment;
- growing international demand for fish; and
- an increase in the proportion of Morocco's fishing activity taking place in Western Saharan waters.

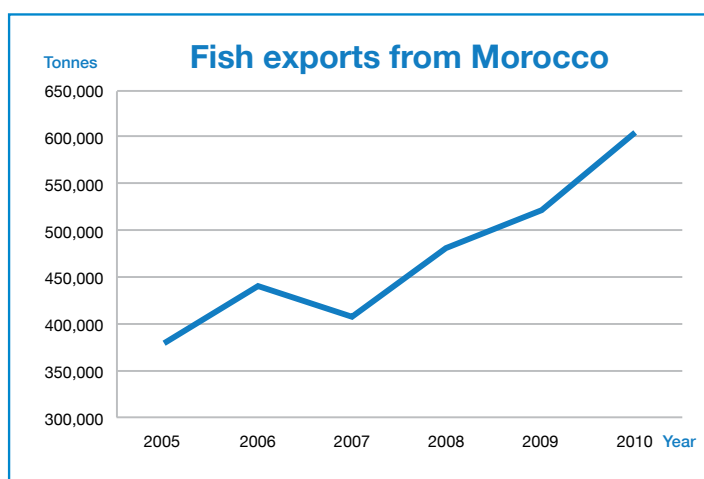
Morocco has run a fisheries development programme for a number of years as a part of its wider economic development plans. The latest version of the development plan for fishing was produced in 2009 and aims to increase the export value of the Moroccan fishing industry from €0.8 billion in 2007 to €2 billion in 2020 ³². In 2004, a similar development programme aimed to increase the chartering of foreign fishing vessels. The fleet was outdated and the aim was to obtain access to modern technology for pelagic fishing.

La mer en chiffres, the official statistical report of Morocco's Ministry of sea fishing, shows an increase in catches of ten per cent between 2005 and 2010, as shown in the graph below, covering all parts of the fishing industry except the RSW fleet. ³³ While it is thought that Morocco's catch statistics for small-scale and inshore fishing should be read with a pinch of salt, the export statistics are considered of better quality. ³⁴



The catches from RSW trawlers are expressly excluded from this statistic. A single RSW trawler is typically allocated a quota of 20,000 tonnes per year, and often more, by the Moroccan government.

The export statistics in the same report are presented in the following graph.



The statistics show an increase in exports of 60 per cent during the same period. Given that these statistics are considered more reliable and that the catch statistics explicitly exclude RSW trawlers, it seems likely that expansion of Morocco's fishing sector during the period shown was in fact much greater than indicated by the official statistics.

9

Feeding Europe with controversial fish



³⁵ Kingdom of Morocco :
Office National des
Pêches, La pêche cotière
et artisanale au Maroc:
Rapport statistique,
November 2012

³⁶ Naji, M., Country report:
Morocco , Seafood market
studies for the introduction
of new aquaculture
products, Cahiers Options
Méditerranéennes no. 59,
2002 p. 327-340

³⁷ Kingdom of Morocco :
Ministère de l'Agriculture et
de la Pêche Maritime, La mer
en chiffres, 2010

According to La mer en chiffres around half of the catch of the inshore fishing sector, are landed in Western Saharan ports. However, as mentioned above, these statistics do not include RSW trawlers. More recent statistics for 2012 published on the fishing authority's website show that 70 per cent of the pelagic catch is landed at the Western Saharan ports of Dakhla and El Aaiún. ³⁵ While it is difficult to determine exactly how much of the fish is caught in Western Saharan waters, it is reasonable to believe that it is the vast majority.

The catches of RSW trawlers are to a large extent delivered directly to industrial processors, while small-scale fishermen sale mainly on the local market.

According to La mer en chiffres, approximately 40 per cent of the fish caught is destined for consumption within the country. The consumption statistics, however, are considered unreliable, because they are not built on direct investigations of fish consumption by the population. ³⁶

The EU is Morocco's main importer of the exported fish: almost 50 per cent of the country's fish exports in tonnes, and 65 per cent in export value terms, was exported to EU Member States in 2010. Of the fish imported to the EU, frozen fish, processed or partially processed fish and fish meal/fish oil represented 30 per cent each. Spain, Germany, France and Italy imported most Moroccan fish. ³⁷

10

Non-stop Fiskebäck to Dakhla



*Fisherman aboard Nordic IV paint over the name of the trawler in the harbour of Fiskebäck, on the West Coast of Sweden.
Photo: Christian Åslund/Greenpeace.*

³⁸Ahlström, Ove:

Investeringserbjudande
fiske i Marocko, Rev. 1,
August 2002

³⁹Gothenburg District Court:

Judgement 26-11-2012
Issued in Gothenburg, Case
no. B 4260-08, 2012

⁴⁰Information from several

of our anonymous
independent sources in
Dakhla

Sweden's main pelagic fleet is operated by fishermen from the county of Bohuslän on the west coast, in fishing communities such as Rörö and Donsö. The largest and most influential fishing port is located west of Gothenburg – Fiskebäck, where almost a quarter of the Swedish pelagic fleet is based. This is also the Swedish hub for fishing in Western Saharan waters. From here, many fishermen commute to Dakhla port to fish. In Fiskebäck one can find the majority of the family firms who own, charter and crew vessels in Western Sahara, and who renovate and equip vessels for the new type of fishing before they are transferred to Africa. One of the latest to make this journey is the Adrar, which originated in the Norwegian fishing fleet, and was recently exposed as having discarded massive amounts of fish. The Adrar was refurbished in Fiskebäck in January 2013 and is now fishing off Western Sahara.

An office building at Fiskebäck harbour is home to Swemar, a company that, for example, maintains and crews the vessel Meya, active in Western Saharan waters.

While one might claim a long tradition in Bohuslän fishing society of fishing off the coast of West Africa, the modern fishing activities only began in the 1990s, led by two families from Fiskebäck: the Ahlström and Bryngeld families.

Initially, during the late 1990s, Swedish fishing off West Africa was not as focused on the waters off Western Sahara and on the port of Dakhla, but was spread along the whole Moroccan coast. The Bryngeld family fished with the vessel Polar from 1997 to 1999, and alternated between fishing in the North Sea in the summer and off West Africa in the winter. They stopped after a few years, but the Ahlström family continued and was eventually joined by the Fiskebäck-based Kjellberg family.

In the early 2000s, Ove Ahlström fished off Western Sahara with the vessel Ganthi, and in 2002 he offered others the opportunity to invest in the business. In the official investment offer, he described himself as a celebrity in the Moroccan fishing industry, and talked of the major opportunities available to those involved in developing Moroccan fishing.³⁸

In 2004, the Moroccan government promoted chartering agreements with foreign vessels specialised in the catching of pelagic fish by allowing quota owners to charter foreign vessels and engage foreign consultants. In 2005 and 2006, three Swedish fishing vessels were granted special vessel permits by the Swedish Board of Fisheries in order to be hired out under this programme: the Ganthi VII, Kjellberg's vessel Nordic III, and Monsun, owned by Christer Jansson.

In 2005, political attention was drawn to the presence of these fishing vessels in Western Saharan waters. Several Swedish members of parliament questioned the Minister of Foreign Affairs and the Minister for Agriculture, criticised the granting of the authorisations and voiced concerns that the affair would undermine Sweden's position in the negotiations for the new fisheries agreement between the EU and Morocco, in which Sweden had been pushing for the deal to exclude the waters off Western Sahara.

In late 2006, Ahlström and Kjellberg sold Ganthi VII and Nordic III and their fishing quotas in Sweden. According to a financial calculation carried out by Ove Ahlström before the sale, he expected to obtain SEK 60 million (equalling €6.7 million November 2013) for his fishing quota. At the same time as the old vessels were sold, their owners purchased new vessels, Aldo and Nordic IV. The intention from the beginning was to use both vessels within the framework of the Moroccan programme for chartering of foreign fishing vessels.³⁹

Initially, all Swedish fishing operations off Western Sahara took place under charter agreements, which meant that the vessels remained registered in Sweden and operated by Swedish personnel in collaboration with Moroccan companies. This changed when almost the whole the RSW fleet was bought up by Moroccan companies, but Sweden, alongside other Scandinavian countries, continues to be a major exporter. Several vessels were exported in early 2013 and further purchases are planned.

There is currently only one Swedish owner of an RSW trawler in Dakhla: Lennart Kjellberg, a Fiskebäck resident, who in autumn 2012 was charged with illegal fishing in Western Saharan waters (see the next section). Lennart Kjellberg's nephew Peter Kjellberg, who owns the company Swemar in Fiskebäck harbour, no longer owns any vessels. However, he is the manager of three of the RSW trawlers operating in Western Saharan waters: the Meya, Mist and Polar. He is paid by the vessel's Moroccan owner to take charge of its maintenance and crewing. He is also responsible for the purchase of new vessels.

Another Swede also works as a manager of two RSW trawlers in Dakhla: the Aldo and Adrar. In addition, over 20 Swedish fishermen regularly commute to Dakhla to work on board RSW trawlers. They work in pairs alongside Moroccan crew members and also train them.⁴⁰

11

Slipping through the net



**41 Gothenburg District Court:
Judgement 26-11-2012
Issued in Gothenburg,
Case no. B 4260-08, 2012**

Aldo and Nordic IV were chartered in 2007 and 2008 by the Moroccan company Atlas Pelagic. Both vessels were registered in Sweden, and neither vessel held an authorisation to fish outside the EU. In April 2007, the French coastguard discovered Nordic IV off the coast of Brittany, during transit to Western Sahara, and sent an enquiry to the Swedish Board of Fisheries, which noted that the vessel had no authorisation for distant water fishing.

The Swedish Board of Fisheries warned the vessel owners, but could take no action against the vessels as they had been reflagged to the Cook Islands. During autumn 2007, the European Commission intervened, pointing out that the operations of both vessels continued. The Commission required the Swedish authorities to act, which led to legal proceedings being initiated against the vessel owners by the Swedish Board of Fisheries. In 2008, the homes of Ove Ahlström and Lennart Kjellberg were searched, and the following year they were both charged with illegal fishing. However, the trial was delayed until autumn 2012.

Ove Ahlström and Lennart Kjellberg said that the vessels Aldo and Nordic IV did not require distant water authorisation, as they had been chartered to a Moroccan company. However, it emerged during the

trial that the agreement between the parties involved the Swedish owners providing consulting services and part of the crew; indeed, they undertook to hire the vessels to train the Moroccan crew and to deliver catches. The customer – i.e. the Moroccan company hiring the vessels – undertook in turn to purchase all the vessels' catches up to a certain minimum amount per week.

The prosecutor argued that the entire agreement was a sham, drawn up with the intention of escaping the regulations of Sweden and the EU. According to him, it was clear that the purpose of the agreement was for Aldo and Nordic IV, at the time, to continue fishing under the Swedish flag while at other times of year carrying out fishing within the framework of the Moroccan national fishing quotas in Western Saharan waters. Ove Ahlström and Lennart Kjellberg were acquitted, on the basis of a question over the prosecutor's formulation of the charges. An appeal has been filed against the judgment. ⁴¹

Left: Adrar in Fiskebäck, just outside Gothenburg on the west coast of Sweden. The fishing vessel was documented by Greenpeace 7-9 February 2013, just before she was exported to fish in Western Saharan waters outside Dahkla. (See cover and page 2.)

12

Looking ahead

“Overcapacity is a global problem, so EU measures to eliminate it must lead to the scrapping of vessels or their re-assignment to non-fishing purposes.”



The fleet of modern pelagic trawlers that has been transferred from Sweden and other countries to Morocco is contributing significantly to overfishing of pelagic stocks in the region. This report offers a stark reminder that transferring excess fishing capacity into new and distant fishing grounds is likely to simply move the overfishing problem to other regions. Overcapacity is a global problem, so EU measures to eliminate it must lead to the scrapping of vessels or their re-assignment to non-fishing purposes.

Greenpeace therefore demands that EU Member States:

- ***eliminate overcapacity, which is a driver of overfishing, by decommissioning those vessels that contribute most to overfishing and the destruction of marine habitats;***
- ***allocate access to fishing in ways that reward fishermen who minimise the environmental impact of fishing and that maximise the socio-economic benefits for local communities;***
- ***prevent the transfer of excess fishing capacity to other regions***

Greenpeace further demands that the EU stop exploiting the fishing grounds off the coast of Western Sahara and Morocco, unless and until it can ensure that fish stocks are managed in a sustainable manner and that the fishery takes into account the wishes and benefits of the people of the territory.

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